



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1998

Mr. Merrill E. Nunn
City Attorney
City of Amarillo
Legal Department
P.O. Box 1971
Amarillo, Texas 79105-1971

OR98-3284

Dear Mr. Nunn:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 121071.

The City of Amarillo (the "city") received an open records request for the city's cellular telephone records. You have interpreted the request as seeking the same types of information previously sought by the same entity in a December 1997 open records request to the city, *e.g.*, itemized cellular telephone bills, an explanation as to which cellular telephone number is used by which city department, and an accounting of the amount of money spent by the city for cellular telephone usage. Assuming the current request seeks these same types of information, you state that most of the requested records will be released. As with the earlier request, however, you seek to withhold pursuant to section 552.108 of the Government Code the cellular telephone numbers of police officers and firefighters with specific law enforcement or investigatory duties.

This office has previously issued an open records decision to the city regarding these types of information. In Open Records Letter No. 98-0780 (1998), we concluded as follows:

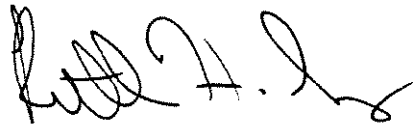
Section 552.108(b)(1) of the Government Code excepts from required public disclosure "an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution ... if ... release of the internal record or notation would interfere with law enforcement or prosecution." You state that "half of the cellular telephones belong to the Amarillo Police Department," and that the others are assigned [to]

fire department officers. This office has applied the section 552.108 exception to the cellular mobile telephone numbers of county officials and employees with specific law enforcement responsibilities. Open Records Decision No. 506 (1988). We reasoned that if these numbers were publicly released, the purpose of these telephones, which is to insure immediate access to designated county officials and employees with specific law enforcement responsibilities, would be defeated. *See id.* at 2. Based on the information you have provided, we agree that the cellular telephone numbers of police officers and firefighters with specific law enforcement or investigatory duties may be withheld from disclosure.

The rationale found in OR98-0780 is also applicable to the records at issue here. The city therefore may withhold pursuant to section 552.108(b)(1) the cellular telephone numbers of police officers and firefighters with specific law enforcement or investigatory duties. All remaining information coming within the scope of the open records request must be released.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/rho

Ref.: ID# 121071

Enclosures: Submitted documents

¹You also raise a question about the city's collection of costs of reproduction of the records the city intends to release. All questions regarding the costs of supplying requested information should be referred to the General Services Commission at (512) 475-2497.

cc: Mr. Randy Weber
KVII TV
1 Broadcast Center
Amarillo, Texas 79101
(w/o enclosures)